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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Adam Hershman, et al.,

Case No. 2:21-cv-02245-CDS-BNW

Plaintiffs

Notice Regarding Intent to  
Dismiss Under Local Rule 41-1

v.

Full Spectrum Laser LLC,

Defendant

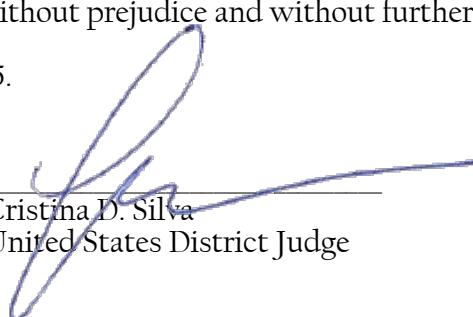
9 Plaintiffs Adam Hershman and Sumit Singh commenced this action against defendant  
10 Full Spectrum Laser LLC under the Fair Labor Standards Act (“FLSA”) in December of 2021.  
11 Compl., ECF No. 1. The plaintiffs’ motion to conditionally certify an FLSA collective action was  
12 granted (ECF No. 21) and they were ordered to begin the notice procedure (ECF No. 23).  
13 Although the plaintiffs filed a consent to join Dayna Perry as a party to the collective action on  
14 April 26, 2023 (ECF No. 27), there has been no activity in this matter since.

15 This district’s Local Rules provide for dismissal of an action for want of prosecution:

16 All civil actions that have been pending in this Court for more than  
17 270 days without any proceeding of record having been taken may,  
18 after notice, be dismissed for want of prosecution by the court sua  
sponte or on the motion of an attorney or pro se party.

19 LR 41-1. Further, it is within the inherent power and discretion of the court to sua sponte  
20 dismiss a civil case for lack of prosecution. Fed. R. Civ. P. 41(b). A plaintiff must prosecute their  
21 case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). *Anderson v. Air West,*  
22 *Inc.*, 542 F.2d 522, 524 (9th Cir. 1976). Here, because this case has laid dormant for almost two  
23 years, the plaintiffs have failed to prosecute with reasonable diligence. Thus, this order serves as  
24 notice that the complaint will be dismissed without prejudice and without further notice unless  
25 the plaintiffs take action by February 26, 2025.

26 Dated: February 5, 2025

  
Cristina D. Silva  
United States District Judge